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Security Council

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GENERAL

S/22453
5 April 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose a copy of the letter from Sheikh Sabah Al Ahmad Al Jaber Al Sabah, Deputy Prime Minister and Minister for Foreign Affairs, concerning the demarcation of the boundary between the State of Kuwait and the Republic of Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

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Annex

Letter dated 5 April 1991 from the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait addressed to the Secretary-General

Further to my letter dated 4 April 1991, in which Kuwait welcomed the adoption by the Security Council of resolution 687 (1991), and with a view to facilitating your mission with regard to the demarcation of the boundary between Iraq and Kuwait, I have the honour to inform you that Kuwait confirms its approval of the sheets in the K7611 Series of topographic maps of Kuwait on the scale 1:50,000 referred to in document S/22412. These maps indicate the official land and sea boundaries between Kuwait and the Republic of Iraq and served as a basis for, among other matters relating to bilateral relations, the signature of the "Agreed Minutes between the State of Kuwait and the Republic of Iraq" on 4 October 1963.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Sabah Al Ahmad Al Jaber AL SABAH

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S/22454
5 April 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

1. The present report is submitted in pursuance of Security Council resolution 687 (1991) of 3 April 1991. In paragraph 5 of that resolution, the Council established a demilitarized zone along the boundary between Iraq and Kuwait and requested the Secretary-General to submit to the Council, within three days, for approval a plan for the immediate deployment of a United Nations observer unit.

Terms of reference

2. In accordance with paragraph 5 of resolution 687 (1991), the terms of reference of the unit, which I propose should be called the "United Nations Iraq-Kuwait Observation Mission" (UNIKOM), would be:

(a) To monitor the Khor Abdullah and a demilitarized zone extending 10 kilometres into Iraq and 5 km into Kuwait from the boundary referred to in the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters of 4 October 1963; 1/

(b) To deter violations of the boundary through its presence in and surveillance of the demilitarized zone;

(c) To observe any hostile or potentially hostile action mounted from the territory of one State to the other.

General principles

3. Four essential conditions would have to be met for UNIKOM to be effective: first, it would need to have at all times the confidence and backing of the Security Council. Second, it would have to be given the necessary cooperation of the parties. Third, it would have to function as an integrated and efficient military unit. Fourth, adequate financial arrangements would have to be made to cover its costs.

4. In accordance with established principles,

(a) UNIKOM would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. Command in the field would be exercised by a Chief Military Observer appointed by the Secretary-General with the consent of the Security Council. The Chief Military Observer would be responsible to the Secretary-General. The Secretary-General would report regularly to the Security Council on the operations of UNIKOM and immediately if there were serious violations of the demilitarized zone or potential threats to peace. All matters that might affect the nature or the continued effective functioning of UNIKOM would be referred to the Council for its decision;

(b) UNIKOM would be composed of military contingents provided by Member States at the request of the Secretary-General. The military contingents would be selected in consultation with the parties and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographic representation;

(c) As recommended below, the contingents would comprise armed and unarmed military personnel. UNIKOM and its personnel would be authorized to use force only in self-defence;

(d) UNIKOM would proceed on the assumption that the parties would take all the necessary steps to comply with the decisions of the Security Council. It would have to have the freedom of movement and communication and other rights and facilities that would be necessary for the performance of its tasks. UNIKOM and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations; agreements with the host Governments concerning the status of UNIKOM would have to be concluded without delay. The Governments of Iraq and Kuwait would be expected to provide, free of charge, the land and premises required by UNIKOM.

Considerations relevant to the discharge of the mandate

5. As an observation mission, UNIKOM would be required to monitor and observe and would not be expected and, indeed, would not be authorized to take physical action to prevent the entry of military personnel or equipment into the demilitarized zone. Further, it is my understanding that the clause requiring UNIKOM to "observe any hostile or potentially hostile action mounted from the territory of one State to the other" refers to activities that can be observed in or from the Khor Abdullah and the demilitarized zone.

6. UNIKOM would not assume responsibilities that fall within the competence of the host Governments and would avoid unnecessary interference in the normal civilian life of the area. It is assumed that the Governments of Iraq and Kuwait would each carry out all aspects of civilian administration in their respective part of the demilitarized zone, including the maintenance of law and order. At the same time, if UNIKOM is to be effective, it would need to have certain powers and facilities. In this connection, the two Governments would be expected to extend to UNIKOM full freedom of movement, on land and through the air, across the border and

throughout the demilitarized zone; to control movement into and out of the demilitarized zone by requiring all traffic to be routed past United Nations observation posts; to notify UNIKOM in advance of sea and air traffic in the demilitarized zone and the Khor Abdullah; and to establish limitations on the right of their citizens to bear arms in the demilitarized zone. Further details regarding the regulation of activities in the demilitarized zone and the Khor Abdullah would be worked out in consultation with the two Governments, including the number and armament of police deployed in the area.

Area of operation

7. The demilitarized zone is about 200 km long, the Khor Abdullah about 40 km. For the most part, the zone is barren and almost uninhabited, except for the oilfields and two towns, Umm Qasr and Safwan. A small airfield is at Safwan. A port and airfield are at Umm Qasr, which became Iraq's only outlet to the sea after the Shatt al-Arab was blocked. A number of roads cross the demilitarized zone, most of them in the eastern part, but the terrain makes cross-country travel easy, and the inhabitants, particularly the bedouins, are accustomed to moving freely throughout the area and across the border.

Concept of operation

8. In order to carry out the mandate defined by the Security Council, UNIKOM would monitor the situation (on a continuing basis) to ensure that no military personnel and equipment were within the demilitarized zone and that no military fortifications and installations were maintained in it. To this end, it would:

(a) Monitor the withdrawal of any armed forces now in the zone which is to be demilitarized;

(b) Operate observation posts on the main roads to monitor traffic into and out of the demilitarized zone;

(c) Operate observation posts at selected locations in the demilitarized zone;

(d) Conduct patrols throughout the demilitarized zone by land and by air;

(e) Monitor the Khor Abdullah from observation posts set up on its shores and from the air;

(f) Carry out investigations.

Requirements

9. The tasks defined above are essentially tasks for military observers. However, in the circumstances obtaining in the UNIKOM area of operations, they could not be carried out by military observers alone. This is for three main reasons.

10. First, the area of operations, apart from Umm Qasr and territory to the east of it, is currently controlled by the forces of Member States cooperating with Kuwait. As those forces bring their military presence in Iraq to an end, in accordance with paragraph 6 of resolution 687 (1991), there is a risk that disorder would ensue, at least for a period of time. In particular, the forces of Member States cooperating with Kuwait are at present providing humanitarian assistance to some tens of thousands of refugees and displaced persons, many of them in what will become the UNIKOM area of operations. I am taking urgent steps to arrange for the United Nations system to provide such humanitarian support as may be needed by these people. It is also hoped that the host Governments' police forces would soon be in a position to maintain law and order in their respective parts of the demilitarized zone. Nevertheless, during this delicate transitional phase there might well be a threat to the security of UNIKOM personnel, equipment and supplies. My plan therefore includes the provision of an infantry element to ensure UNIKOM's security at that stage.

11. Second, I have been informed by Member States cooperating with Kuwait that mines and unexploded ordnance are a serious hazard in the area. Considerable effort would be required to clear areas required for UNIKOM observation posts and other installations, to make existing roads and tracks safe for patrolling and to establish additional tracks to enable UNIKOM to patrol the length and breadth of the demilitarized zone. Unless satisfactory arrangements can be made to complete this work before UNIKOM is deployed, the mission would have to include a field engineer unit.

12. Third, the demilitarized zone is barren and sparsely populated, the climate is harsh and the infrastructure in the area has suffered greatly. The military observers would therefore need a greater degree of logistic support than is the case in areas that are more settled and have less severe climates. There would thus be a continuing need for a logistic unit.

13. To carry out the tasks described in paragraph 8 above, a group of 300 military observers would be required initially, although this number would be reviewed as the mission gained experience and refined its methods. As regards support for the observers, my plan would be to assign temporarily to UNIKOM five infantry companies drawn from existing peace-keeping operations in the region, with the agreement of the troop-contributing Governments concerned. These units would provide essential security for UNIKOM during the setting-up phase. The Chief Military Observer would be instructed to advise me, approximately four weeks after the beginning of the operation, whether he foresaw a continuing need for an infantry element. If he did, I would seek the Council's authority to replace the units temporarily assigned to UNIKOM with one or more battalions on a more permanent basis. As indicated in paragraph 11 above, a field engineer unit would also be required if the necessary clearance of mines and unexploded ordnance had not been completed by the time UNIKOM was deployed. In addition, UNIKOM would have an air unit with fixed-wing aircraft and light helicopters, a logistic unit responsible primarily for medical care, supply and transport, and a headquarters unit. The maximum initial strength of UNIKOM would be approximately 1,440 all ranks, of which the infantry temporarily attached to it from already established missions would be approximately 680, and the field engineer unit, if it is deployed, approximately 300.

14. UNIKOM's headquarters would need to be within the demilitarized zone, where Umm Qasr would seem to be the most suitable location. A logistic base would be established in Kuwait. The military observers and the infantry units would be deployed throughout the demilitarized zone. Liaison offices would be maintained at Baghdad and Kuwait City. At the start of the mission, liaison would also need to be maintained with the forces of the Member States cooperating with Kuwait, whose withdrawal through the demilitarized zone would need to be coordinated with UNIKOM.

15. A preliminary estimate of the cost of UNIKOM and my observations on its financing will be circulated in an addendum to the present report.

Consultations with the parties

16. As already stated, UNIKOM would be able to function effectively only with the full cooperation of the parties. In accordance with resolution 687 (1991), I have informed the Permanent Representatives of Iraq and Kuwait of the plan contained in the present report and requested their urgent confirmation that their respective Governments would cooperate with the United Nations on this basis. I will report further to the Security Council as soon as this has been received.

Notes

1/ United Nations Treaty Series, vol. 485, No. 7063.

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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

Estimated cost and method of financing

1. Should the Security Council establish the United Nations Iraq-Kuwait Observation Mission (UNIKOM) on the basis set out in the main part of the present report, it is estimated that the cost of the Mission for the first six months would be approximately $83 million. The costs of continuing UNIKOM for the following six months would be approximately $40 million. These estimates do not include additional costs that would be incurred if the infantry units temporarily assigned to UNIKOM are replaced with infantry battalions on a more permanent basis; nor do they include the costs that would be incurred if the engineer unit had to be continued beyond six months. These are preliminary estimates, which might be subject to revision as further details are clarified and/or as a result of decisions taken by the Security Council.

2. It would be my recommendation that the costs of the Mission be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter. I would recommend to the General Assembly that the assessments to be levied on Member States be credited to a special account that would be established for this purpose.

3. The capacity of the United Nations to deploy UNIKOM would depend in large measure on the availability of the financial resources necessary to meet the start-up costs of the operation. This in turn would depend not only on the appropriation of the necessary funds by the Assembly but, equally importantly, on the receipt from Member States of their assessed contributions. As is known, the payment of assessed contributions for peace-keeping operations established by the Security Council has been at rates far lower than were necessary to meet cash-flow requirements. In order to meet the start-up costs of UNIKOM, I would therefore appeal to Member States to make voluntary payments, which would be repaid as soon as sufficient assessed contributions have been received. I would also appeal to Member States to make voluntary contributions in cash and in kind for setting up and maintaining the Mission.

4. I take this opportunity to point out that the above cost estimate covers only paragraph 5 of resolution 687 (1991). The financial implications of the resolution's other provisions will become clearer after the necessary detailed examination of the manner in which these provisions may be implemented by the Secretary-General and of the various commissions to be established under the resolution. It is already apparent, however, that the aggregate financial implications of the resolution are likely to be quite substantial.

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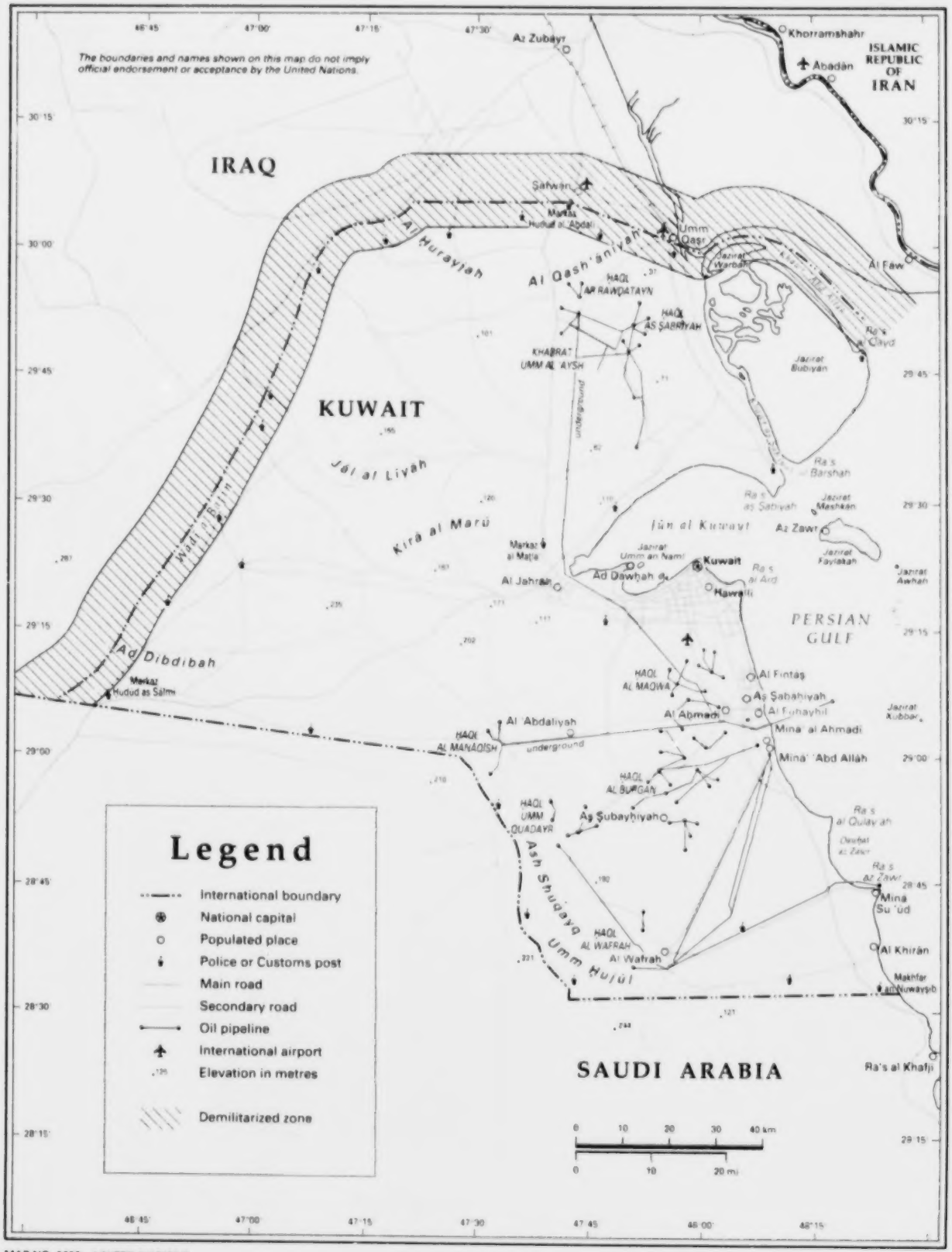
REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

MAP



MAP NO. 3632 UNITED NATIONS
APRIL 1991

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9 April 1991

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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

1. In reference to paragraph 16 of my report of 5 April 1991 (S/22454), the Permanent Representative of Iraq informed me on 8 April 1991 that his Government accepted the plan contained in my report and would cooperate with the United Nations on that basis.

2. On 9 April 1991, the representative of Kuwait conveyed to me his Government's acceptance of the plan and its undertaking to cooperate with the United Nations on its implementation.

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S/22455
5 April 1991

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The attached letter dated 5 April 1991 from the Permanent Observer of the Republic of Korea to the United Nations was addressed to the President of the Security Council. In accordance with the request therein contained, the letter is being circulated as a document of the Security Council.

Annex

Letter dated 5 April 1991 from the Permanent Observer of the Republic of Korea to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit to you a memorandum of the Government of the Republic of Korea concerning its membership in the United Nations.

I should be grateful if you would have the text of this letter and the enclosed memorandum circulated as a document of the Security Council.

(Signed) Chang Hee ROE
Ambassador

Enclosure

Memorandum of the Government of the Republic of Korea

The Government of the Republic of Korea has made clear on previous occasions its position concerning membership of the Republic of Korea in the United Nations, particularly its determination to seek United Nations membership during the course of this year.

The Republic of Korea, as a peace-loving State willing and able to carry out all obligations set forth in the United Nations Charter, is fully qualified for membership in the United Nations. As a country which maintains almost universal diplomatic relations and as the world's twelfth largest trading nation, it is ready to make its due contribution to the work of the United Nations as a full member and in a manner commensurate with its standing in the international community.

The principle of universality cherished by the United Nations requires the admission of all eligible sovereign States that wish to join the United Nations. This principle gains more relevance than ever as the United Nations assumes an increasingly vital role in the post-cold war era. The unprecedented changes taking place in the international political environment, featuring a new spirit of reconciliation and cooperation, call for the resolution of Korea's membership question at long last.

As was eloquently manifested last year during the general debate of the forty-fifth session of the General Assembly, it has become the sense of the international community that the admission of the Republic of Korea to United Nations membership should be realized without further delay.

In seeking United Nations membership, the Republic of Korea reiterates its earnest hope that the Democratic People's Republic of Korea (DPRK) will also join the United Nations, either together with the South, or at the time the North deems appropriate. The Republic of Korea restates its position that it would welcome DPRK's membership.

Furthermore, the Republic of Korea holds the view that the parallel membership of both Koreas in the United Nations is entirely without prejudice to the ultimate objective of Korea's reunification. Parallel membership should constitute a powerful confidence-building measure in so far as it will represent a firm commitment of both Koreas to the provisions and principles of the United Nations Charter.

The unification of East and West Germany and of North and South Yemen, each of which had maintained separate membership in the United Nations, validates this view and disproves the contention that United Nations membership might serve to perpetuate or legitimize Korea's national division, thus hindering efforts for Korea's reunification.

It is a matter of fact that the international community has long recognized the existence of South and North Korea on the Korean peninsula. In reality, the Republic of Korea and the DPRK maintain diplomatic relations with 140 and 105 countries respectively. Ninety of these countries maintain concurrent diplomatic relations with both. Each also has separate membership in most intergovernmental organizations, including specialized agencies of the United Nations. Thus, Korea's United Nations membership, separate or simultaneous, will be a logical corollary of the international political reality.

In the sincere belief that United Nations membership will contribute to the process of Korean reconciliation and reunification, as well as enhance peace and security on the Korean peninsula, the Republic of Korea has made every effort in good faith to join the United Nations together with the DPRK during the course of last year, but without success.

Despite these efforts, however, the DPRK has adhered to the "single-seat membership" formula which is not only unworkable, but runs counter to the provisions of the United Nations Charter and the practices followed by the United Nations and its specialized agencies. The lack of support from the United Nations Member States with respect to this formula during the general debate last year reflects their disapproval of the North Korean formula.

The Government of the Republic of Korea remains hopeful of realizing the membership of both Koreas during the course of this year. However, if the DPRK continues to oppose this option and for any reason chooses not to join the United Nations, the Republic of Korea, exercising its sovereign right, will take the necessary step towards its membership before the opening of the forty-sixth session of the General Assembly.

The Government of the Republic of Korea is convinced that, with the overwhelming support of the Member States of the United Nations for the legitimate cause of its membership, the Republic of Korea will be able to assume its rightful place in the United Nations in the months ahead.

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* Reissued for technical reasons.

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(Signed) Chang Hee ROE
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As was eloquently manifested last year during the general debate of the forty-fifth session of the General Assembly, it has become the sense of the international community that the admission of the Republic of Korea to United Nations membership should be realized without further delay.

In seeking United Nations membership, the Republic of Korea reiterates its earnest hope that the Democratic People's Republic of Korea (DPRK) will also join the United Nations, either together with the South, or at the time the North deems appropriate. The Republic of Korea restates its position that it would welcome DPRK's membership.

Furthermore, the Republic of Korea holds the view that the parallel membership of both Koreas in the United Nations is entirely without prejudice to the ultimate objective of Korea's reunification. Parallel membership should constitute a powerful confidence-building measure in so far as it will represent a firm commitment of both Koreas to the provisions and principles of the United Nations Charter.

The unification of East and West Germany and of North and South Yemen, each of which had maintained separate membership in the United Nations, validates this view and disproves the contention that United Nations membership might serve to perpetuate or legitimize Korea's national division, thus hindering efforts for Korea's reunification.

It is a matter of fact that the international community has long recognized the existence of South and North Korea on the Korean peninsula. In reality, the Republic of Korea and the DPRK maintain diplomatic relations with 148 and 105 countries respectively. Ninety of these countries maintain concurrent diplomatic relations with both. Each also has separate membership in most intergovernmental organizations, including specialized agencies of the United Nations. Thus, Korea's United Nations membership, separate or simultaneous, will be a logical corollary of the international political reality.

In the sincere belief that United Nations membership will contribute to the process of Korean reconciliation and reunification, as well as enhance peace and security on the Korean peninsula, the Republic of Korea has made every effort in good faith to join the United Nations together with the DPRK during the course of last year, but without success.

Despite these efforts, however, the DPRK has adhered to the "single-seat membership" formula which is not only unworkable, but runs counter to the provisions of the United Nations Charter and the practices followed by the United Nations and its specialized agencies. The lack of support from the United Nations Member States with respect to this formula during the general debate last year reflects their disapproval of the North Korean formula.

The Government of the Republic of Korea remains hopeful of realizing the membership of both Koreas during the course of this year. However, if the DPRK continues to oppose this option and for any reason chooses not to join the United Nations, the Republic of Korea, exercising its sovereign right, will take the necessary step towards its membership before the opening of the forty-sixth session of the General Assembly.

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6 April 1991
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IDENTICAL LETTERS DATED 6 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED RESPECTIVELY TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to enclose the text of a letter dated 6 April 1991 addressed to you by the Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Identical letters dated 6 April 1991 from the Minister for Foreign Affairs of the Republic of Iraq addressed respectively to the Secretary-General and the President of the Security Council

I have the honour to inform you that the Iraqi Government has taken note of the text of Security Council resolution 687 (1991), the authors of which are the first to recognize that it is unprecedented in the annals of the Organization, and wishes, before stating its official position, to make a number of fundamental comments regarding certain concepts and provisions contained therein:

I. While in its preamble the resolution reaffirms that Iraq is an independent sovereign State, the fact remains that a good number of its iniquitous provisions impair that sovereignty. In fact, the resolution constitutes an unprecedented assault on the sovereignty, and the rights that stem therefrom, embodied in the Charter and in international law and practice. For example, where the question of boundaries is concerned, the Security Council has determined in advance the boundary between Iraq and Kuwait. And yet it is well known, from the juridical and practical standpoint, that in international relations boundary issues must be the subject of an agreement between States, since this is the only basis capable of guaranteeing the stability of frontiers.

Moreover, the resolution fails to take into account Iraq's view, which is well known to the Council, that the provisions relating to the boundary between Iraq and Kuwait contained in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" dated 4 October 1963 have not yet been subjected to the constitutional procedures required for ratification of the Agreed Minutes by the legislative branch and the President of Iraq, thus leaving the question of the boundary pending and unresolved. The Council has nevertheless imposed on Iraq the line of its boundary with Kuwait. By acting in this strange manner, the Council itself has also violated one of the provisions of resolution 660, which served as the basis for its subsequent resolutions. In its paragraph 3, resolution 660 calls upon Iraq and Kuwait to resolve their differences through negotiation, and the question of the boundary is well known to be one of the main differences. Iraq officially informed the Council that it accepted resolution 660 and was prepared to apply it, but the Council has gone beyond this legal position, contradicting its previous resolution, and adopted an iniquitous resolution which imposes on Iraq, an independent and sovereign State and a Member of the United Nations, new conditions and a boundary line which deprive it of its right to establish its territorial rights in accordance with the principles of international law. Thus the Council is also depriving Iraq of its right to exercise its free choice and to affirm that it accepts that boundary without reservation. Where the question of the boundary is concerned, the Council resolution is an iniquitous resolution which constitutes a dangerous precedent, a first in the annals of the international Organization and - as some impartial members of the Council indicated in their statements when the resolution was voted on - an assault on the sovereignty of States.

It is also to be noted that the United States of America, the author of the draft resolution on which resolution 687, which imposes a solution to the boundary-related and other differences between Iraq and Kuwait, was based, refuses to impose any solution whatsoever on its ally, Israel, in accordance with conventions, United Nations resolutions and international law.

Furthermore, the United States of America is preventing the Security Council from assuming the responsibilities incumbent upon it with respect to the Arab-Zionist conflict, the Israeli policy of annexation of the occupied Arab territories, the establishment of settlements, the displacement of populations and the disregard for the rights of the Palestinian people and the neighbouring Arab countries, by vetoing any draft resolution approved by the remaining members of the Council, for the simple reason that Israel does not want a resolution which favours a just settlement of the conflict.

II. Iraq's position with regard to the prohibition of chemical and bacteriological weapons is clear. It is indeed a party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva in 1925. In a statement issued in September 1988, Iraq reiterated its attachment and adherence to the provisions of that Protocol. It also participated in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held at Paris from 7 to 11 January 1989, and signed the Declaration issued by the participating States. On that occasion, Iraq took a position which was unanimously shared by all the Arab countries, namely that all weapons of mass destruction, including nuclear weapons, must be eliminated from the Middle East region.

Iraq is also a party to the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968. As the many reports of the International Atomic Energy Agency confirm, it is applying all the provisions of the Treaty. The Security Council resolution obliges only Iraq, and it alone, to undertake the destruction of the non-conventional weapons left to it after the heavy destruction inflicted both on these weapons and on the related installations by the military operations launched against Iraq by the 30 countries of the coalition. It does not deprive the other countries of the region, particularly Israel, of the right to possess weapons of this type, including nuclear weapons. Moreover, the Council has ignored its resolution 487 (1981), which calls on Israel to place all its nuclear facilities under international safeguards, and has not sought to ensure the implementation of that resolution in the same way as it is now seeking to impose the position it has taken against Iraq. It is thus clear that a double standard is being applied with respect to the elimination of weapons of mass destruction in the region, and an attempt being made to disrupt the military balance there, and this is, all the more apparent in that Iraq has not had recourse to weapons of this type.

The application of this provision of the resolution cannot but seriously endanger the regional balance, as indeed was confirmed by certain impartial members of the Security Council in their statements when the resolution was voted upon. There can be no doubt that Israel, an expansionist aggressor country which is occupying the territory of neighbouring countries, usurping the right of the

Palestinian Arab people against which it daily commits the most horrible atrocities, and refusing to comply with the resolutions of the Security Council, which it holds in contempt, as well as all the resolutions of the international Organization, will be the first to benefit from this imbalance.

Whereas the resolution emphasizes the importance of all States adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, of a Convention on the Universal Prohibition of Chemical Weapons being drafted and of universal adherence thereto, it makes no mention whatsoever of the importance of universal adherence to the convention banning nuclear weapons or of the drafting of a convention on the universal prohibition of such weapons in the region. Instead, it emphasizes the importance of instituting a dialogue among the States of the region with a view to achieving a so-called balanced and comprehensive control of armaments in the region.

Proof of the resolution's biased and iniquitous nature is afforded by the Council's use of what it terms unprovoked attacks using ballistic missiles as grounds for calling for the destruction of all ballistic missiles with a range greater than 150 kilometres and of all repair and production facilities. The term unprovoked attacks is used of attacks against Israel, a country which itself launched an unprovoked attack in 1981, destroying Iraqi nuclear installations which were used for peaceful purposes and were under international safeguards. In this connection, the Security Council considered in its resolution 487 (1981), adopted unanimously, that that attack constituted a serious threat to the entire safeguards regime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons.

It should be pointed out as well that the Council had also considered in the same resolution that Iraq was entitled to appropriate redress for the destruction it had suffered. The Council has to date taken no steps for the implementation of that resolution, whereas it imposes particularly severe and iniquitous terms and mechanisms when it comes to the redress referred to in resolution 687 (1991), without taking into account even the basic humanitarian needs of the Iraqi people.

III. Furthermore, Iraq's internal and external security has been and remains seriously threatened, in that continuing efforts are being made to interfere, by force of arms, in the country's internal affairs. Thus the measures taken by the Council against Iraq to deprive it of its lawful right to acquire weapons and military matériel for defence directly contribute to the intensification of these threats and to the destabilization of Iraq, thus endangering the country's internal and external security and hence peace, security and stability throughout the region.

IV. Whereas the Council resolution provides for mechanisms for obtaining redress from Iraq, it makes no reference to Iraq's rights to claim redress for the considerable losses it sustained and the massive destruction inflicted on civilian installations and infrastructures as a result of the abusive implementation of resolution 678 (1990), which were testified to by the delegation sent by the Secretary-General which visited Iraq recently, and have been referred to by the President of a permanent member of the Security Council (Soviet President Mikhail Gorbachev) and by all impartial observers who have seen with

their own eyes the consequences of the military operations launched against Iraq. The Council has not explained to world public opinion and the conscience of mankind what the relationship is between its resolution 678 and the deliberate destruction of Iraq's infrastructure - generating stations, water distribution networks, irrigation dams, civilian bridges, telephone exchanges, factories producing powdered milk for infants and medicines, shelters, mosques, churches, commercial centres, residential neighbourhoods, etc. Moreover, the resolution authorizes third parties to claim compensation from Iraq for damage that may have been caused to them, even when such damage resulted from unfulfilment of their commitments to Iraq immediately following the adoption of resolution 661.

Further evidence of the resolution's biased and iniquitous nature is that it holds Iraq liable for environmental damage and the depletion of natural resources, although this liability has not been established; on the other hand, it makes no mention of Iraq's own right to obtain compensation for the established facts of damage to its environment and depletion of its natural resources as a result of more than 88,000 tons of explosives, or for the destruction of water distribution networks, generating stations and the road network, which has spread disease and epidemics and caused serious harm to the environment.

These provisions partake of a desire to exact vengeance and cause harm, not to give effect to the relevant provisions of international law. The direct concrete consequences of their implementation will affect the potential and resources of millions of Iraqis, and deprive them of the right to live in dignity.

V. After imposing compulsory and universal sanctions against Iraq by adopting resolution 661 (1990) in consequence, according to it, of Iraq's refusal to comply with the provisions of resolution 660 (1990), the Council has maintained most of them in force despite Iraq's acceptance of all the Council's resolutions and the implementation of a good number of their provisions. The Council resolution provides for the progressive lifting of sanctions over an unspecified period, thus leaving broad discretionary authority to certain influential members of the Council which have drawn up the Council's resolutions in an arbitrary manner in order to impose them for political purposes which bear no relation to the Charter or to international law.

In essence, this procedure means that the Council has contradicted the initial resolution under which it imposed sanctions against Iraq, and moreover has not taken account of the offensive launched against Iraq, whereas the interests of the other parties have been taken into account, despite their wealth and their considerable resources.

VI. The Council does not deal clearly and directly with the question of withdrawal of the foreign forces occupying part of Iraqi territory, although the resolution declares a formal cease-fire.

The very conditions invoked in support of the declaration of a formal cease-fire also necessitate the withdrawal. The fact that the withdrawal is not explicitly mentioned is tantamount to authorizing the occupation of Iraqi territory for a period whose duration is at the discretion of the occupying countries, which

make no secret of their intention to exploit the occupation for political purposes and to make use of it as a trump card in their hand. This position on the part of the Council constitutes a flagrant violation of Iraq's sovereignty, independence and territorial integrity, and cannot be justified by any provision of resolution 678 (1990). Under this same selective, premeditated and totally unjustifiable approach, the resolution stipulates that the observer forces will be deployed in Iraq to a distance of 10 kilometres from the boundary, and only five kilometres into the territory of the other party, despite the fact that the terrain in the region is flat everywhere, with no relief features that would justify this difference of treatment.

VII. Numerous mechanisms are envisaged which will necessitate consultation in the context of the implementation of the resolution's provisions, but the resolution is not at all clear about Iraq's participation in these consultations. The fact that Iraq is concerned to the highest degree in the application of the resolution makes its effective participation in all consultations bearing on the implementation of these provisions essential. However, the Council has once again opted for an arbitrary and inequitable method.

The questions raised in the resolution and discussed in the foregoing preliminary comments constitute, in substance, an injustice, a severe assault on the Iraqi people's right to life and a flagrant denial of its inalienable rights to sovereignty and independence and its right to exercise its free choice.

In practice, the provisions of the resolution embodying the criteria of duality in international relations and the application of a double standard to questions of the same kind hold Iraq and its population hostage to the designs harboured by certain Powers to take control of their resources, set quotas for their food and clothing needs, and deprive them of their right to live in dignity in the modern society to which they aspire.

Such injustices and such assaults on the rights of a member country of the United Nations and its people cannot under any circumstances be in conformity with the purposes and objectives of the Charter. The Council had a duty to discuss the issues before it with objectivity and in accordance with the provisions of international law and the principles of justice and equity.

By adopting this unjust resolution and by this selective treatment of the Iraqi people, the Council has merely confirmed the fact that we have never ceased to emphasize, namely that the Council has become a puppet which the United States of America is manipulating in order to achieve its political designs in the region, the prime objective being to perpetuate Israel's policy of aggression and expansion, despite the empty words about peace and justice in the Middle East uttered by one or another of the Council members which voted for this resolution.

It could not be more clear to all men of honour and justice that these iniquitous and vengeful measures against Iraq are not a consequence of the events of 2 August 1990 and the subsequent period, for the essential motive underlying these measures stems from Iraq's rejection of the unjust situation imposed on the Arab nation and the countries of the region for decades, a situation which has

enabled Israel, a belligerent Power heavily armed with the most modern and fearsome conventional weapons and with weapons of mass destruction, including nuclear weapons, to exercise hegemony in the region. This reality confirms what Iraq had stated before the events of 2 August 1990, namely that it was the target of a plot aimed at destroying the potential it had deployed with a view to arriving at a just balance in the region which would pave the way for the institution of justice and of a lasting peace.

It is unfortunate that States whose intention was not in any way to help the United States of America and Israel attain their objectives should involuntarily have contributed to their attainment by voting for this iniquitous resolution.

As Iraq makes its preliminary comments on the juridical and legal aspects of this resolution, so as to encourage men of conscience in the countries members of the international community and world public opinion to make an effort to understand the truth as it is and the need to ensure the triumph of justice, it has no choice but to accept this resolution.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs
of Iraq

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Security Council

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S/22457
8 April 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 4 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I enclose the text of a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al Sabah, concerning Kuwait's acceptance of resolution 687 (1991), adopted by the Security Council on 3 April 1991.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Letter dated 4 April 1991 from the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait addressed to the Secretary-General

I have the honour to refer to resolution 687 (1991) adopted by the Security Council on 3 April 1991, a copy of which you transmitted to me by your note dated 3 April 1991. We wish to inform you that we welcome the adoption of this resolution, which aims to eliminate the causes and effects of the occupation, and that we undertake, for our part, scrupulously to comply with all its provisions and to cooperate with you with a view to ensuring its implementation.

It is our hope that, in accordance with paragraph 33 of the resolution, Iraq will officially and unambiguously accept its provisions and make a sincere attempt to put them into practice.

Sheikh Sabah Al-Ahmad Al-Jaber AL SABAH
Deputy Prime Minister
and Minister for Foreign Affairs

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S/22458
8 April 1991

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter of 14 March 1991 (S/22427, annex) I should like to forward a copy of the letter from the Iraqi Ministry of Higher Education and Scientific Research addressed to the President of the University of Basra with instructions to transport all the educational property belonging to the University of Kuwait.

I should appreciate it if you would arrange for this letter to be circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

Annex

Letter from the Iraqi Ministry of Higher Education and Scientific Research addressed to the University of Basra concerning the removal of educational property belonging to the University of Kuwait

[Original: Arabic]

CONFIDENTIAL AND IMMEDIATE

To: Office of the President of the University of Basra/President of the University

Subject: Removal of material

On the basis of letter No. MAQ/242 of 2 October 1990 from the Member of the Regional Command concerning the removal of all property, of whatever kind, from the University of Kuwait, from the Faculties and from the Technical Institute/Kuwait, which is surplus to requirements in Kuwait Governorate, and its transfer to corresponding institutions in the other governorates of the country on an urgent basis, you are requested to take the necessary measures, to the extent that they relate to you, and to send an official from your University to inform accordingly the President of the University of Kuwait, the Dean of the Technical Institute/Kuwait and the chiefs of the commissions presently assigned to Kuwait Governorate to supervise the transfer.

With appreciation,

(Signed) Sabri Ra'if Dawud
For the Minister of Higher Education and Scientific Research

Copy to: Member of the Regional Command General Ali Hassan al-Majid: with reference to your above letter and for your kind attention; with appreciation.

Office of the President, University of Kuwait: for the above purpose; with appreciation.

Office of the Chairman of the Board, Board of Technical Institutes: for the above purpose; with appreciation.

Office of the Director of the Secretariat: for follow up.

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IDENTICAL LETTERS DATED 8 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED RESPECTIVELY TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 7 April 1991 from Mr. Ahmed Hussein, Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abdul Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 7 April 1991 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

The President of the United States of America, George Bush, announced on 5 April 1991 that United States aircaft belonging to the United States Air Force would begin on Sunday, 7 April 1991, to conduct flights in Iraqi airspace, over northern Iraq, in order to drop what he referred to as relief supplies for the refugees and other civilians suffering hardship owing to the conditions prevailing there. The American President maintained that these operations were based on humanitarian considerations. On the following day the British Government hastened to join its major ally the United States, announcing that it would conduct a similar operation on 8 April.

Iraq was informed of these initiatives through the Permanent Missions of the United States of America and the United Kingdom to the United Nations in an insolent manner constituting an insult to the people and sovereignty of Iraq.

The affliction suffered by the Iraqi people is due to the destruction of the amenities of daily life as part of the savage annihilation wrought by the forces of the United States and its allies; what this people now needs is the immediate removal of the economic embargo imposed on it, not the dropping of crumbs of food and blankets in an ostentatious operation that has nothing humanitarian about it.

Iraq strongly protests against this American and British action which infringes the sovereignty of Iraq in a shameful violation of the principles of international law and constitutes direct interference in the internal affairs of Iraq, inasmuch as this is not taking place through the Iraqi authorities and the Iraqi Red Crescent Society.

The entire operation reveals and confirms the ill will of the United States and the United Kingdom towards Iraq and further corroborates the propagandistic aims of the operation, which purports to show the concern of those two imperialist Governments with humanitarian issues. If the offer of aid genuinely stemmed from good intentions and humanitarian goals, it would have been possible to deliver the alleged relief supplies to Iraq directly or through Jordan or Turkey, rather than by violating Iraq's sovereignty.

I should be grateful if you would have this note circulated as a document of the Security Council.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs

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IDENTICAL LETTERS DATED 8 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED RESPECTIVELY TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government I have the honour to inform you of the following:

Once again, and in the course of a mere 48 hours, the Security Council has seen fit to adopt another tendentious and biased resolution against Iraq. The character of resolution 688 (1991) is clear, in particular, from the fact that it was adopted despite the Council's being informed of Iraq's readiness to receive a fact-finding mission from the United Nations.

Such a disregard for the readiness expressed by Iraq constitutes yet another precedent in the Security Council's treatment of Iraq that has no counterpart in the history of the Council.

Once again, the Council in this resolution perpetuates the use of double standards in its treatment of Iraq, if we take as an example the way in which it dealt with the massacre perpetrated by the Israeli occupation authorities against Palestinians at the Haram al-Sharif in Jerusalem on 8 October 1990. Now, however, while Iraq is expressing its readiness to receive an international commission of inquiry, the Council ignores that fact and adopts its condemnatory resolution.

Furthermore, in its resolution the Council refers to what it calls "cross border incursions", and this is a calumny for which it does not provide any evidence. In its resolution, the Council further requests that Iraq should allow international humanitarian organizations to function for the purpose of providing relief. A text containing such a request is meaningless, because these organizations are now, already, operating in Iraq and the Iraqi authorities are cooperating fully with them, as the organizations themselves acknowledge.

It is extremely paradoxical that the Council should show interest in letters from Iran and Turkey concerning the situation of the Kurds despite the

fact that the world knows full well that these States do not by any means recognize any of the rights of the Kurds (such as distinct nationality) in their countries, where the majority of Kurds are to be found. The allegations made in these letters are no more than an exercise in hypocrisy, blackmail and tendentious propaganda against Iraq, which has been, and which continues to be, in the vanguard of the countries of the region in dealing with the Kurdish issue in a humane and democratic manner. The legal, political and actual facts in this regard are well-established.

It is also paradoxical in the extreme that such countries as Iran, Syria and the United States should incite agents and subversives against authority in Iraq or infiltrate their lackeys across international boundaries and provide them with weapons and matériel and, when the government authorities undertake to perform their duties for the restoration of security and stability to their country and for the protection of civilians against intimidation, murder, plunder, sabotage and the other criminal acts being committed by these agents, that these very countries should stir up campaigns of defamation against Iraq and should condemn it.

The great majority of so-called refugees are peaceable inhabitants who have been deceived by agents. They have intimidated them with false allegations in order to induce them to flee from their homes, and they have obliged them to do so by force of arms when the hope of the subversives to impose their domination over the areas in which they have wreaked havoc was thwarted.

I request you to have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

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S/22461
8 April 1991
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LETTER DATED 6 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the American Air Force continues to fly in Iraqi airspace. Details are as follows:

1. (a) American/Saudi air activity on 2/3 April 1991 amounted to 82 sorties flown by 41 formations, mostly over the city of Baghdad and its environs.

(b) The aircraft flew at altitudes ranging from 4,000 to 8,000 metres, at a speed of 720 kilometres per hour.

(c) The aircraft were identified as F-14s and F-15s. They performed provocation and reconnaissance operations by flying over Baghdad at low altitudes.

2. (a) American/Saudi air activity on 3/4 April 1991 amounted to 66 sorties flown by 28 formations consisting of 2 aircraft, 2 formations consisting of 4 aircraft and 2 lone aircraft.

(b) The F-15 and F-16 aircraft flew at altitudes ranging from 5,000 to 6,000 metres, at a speed of 750 kilometres per hour.

(c) The flights, mostly over Baghdad, Suwayrah, Karbala, Najaf and Babylon, were a cause of provocation, disturbance and alarm to the population.

3. (a) American air activity on 4/5 April 1991 amounted to 85 sorties flown by 40 formations at a speed of 720 kilometres per hour, at altitudes ranging from 4,500 to 7,000 metres.

(b) The flights took place mostly over and to the west of Baghdad, as well as over Suwayrah, east of Tharthar and over Kirkuk and Arbil.

(c) The aircraft were identified as F-15s and F-16s.

(d) The flights were a cause of provocation, disturbance and alarm to the population.

I should be grateful if you would kindly have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

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S/22462
8 April 1991

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the pleasure to inform you of the decision of the Government of Japan concerning emergency aid for Kurdish and other displaced persons from Iraq.

The Government of Japan has been following closely the flow of displaced persons, mostly Kurds, from Iraq into Turkey and Iran. On 5 April the Government of Japan expressed its deep concern over the situation and requested the Government of Iraq to cease immediately the inhumane and cruel actions it is taking against its own people, so as to create conditions in which displaced persons will be able to return to their homes without fear.

On 6 April, the Government of Japan, responding to requests from the United Nations Disaster Relief Coordinator's Office (UNDRO) and other related international organizations, decided to provide emergency financial assistance of $US 10 million to Kurdish and other displaced persons.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the Security Council.

(Signed) Yoshio HATANO
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

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8 April 1991

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to the attention of the international community through Your Excellency the tragic news that as of 1200 GMT Monday 8 April, 771,850 Iraqi refugees have escaped their country and entered Iran through the western borders. The numbers are steadily increasing. The situation at the borders is desperate.

The Government of the Islamic Republic of Iran has taken the following steps to alleviate the sufferings of thousands of refugees including the elderly and the children.

- Keeping the borders continuously open to the flow of human beings seeking refuge in Iran.

- Increasing the emergency budget to deal with this crisis from 1 billion rials ($US 14,285,714) to 4 billion rials ($US 57,142,856).

- Appealing to people and national organizations to mobilize their resources to assist the Iraqi refugees.

- Calling upon international agencies and all States to take speedy measures to fulfil their international responsibility and to provide relief assistance to Iraqi refugees.

- The Islamic Republic of Iran is determined to embark on a soul searching national mobilization to provide emergency shelter, food and clothing for the massive number of refugees who are expected to rise beyond 1 million by the end of this week. The problem is, however, so tremendous that the host country alone will not be able to cope with the speed of the influx and provision of a decent emergency living condition for so huge a number of refugees. The international community is expected to shoulder its humanitarian responsibility to a defenceless and innocent people who are leaving their homes and fleeing from the armed forces of their own Government.

The Government of the Islamic Republic of Iran trusts that under the guidance of Your Excellency, the United Nations machinery and its agencies will be fully mobilized to provide relief assistance to Iraqi refugees.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative